

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT**

**THURMOND McMICHAEL,  
Plaintiff**

**v.**

**ANDREW PALLITO, ROBERT KUPEC,  
JAY SIMONS, PHIL FERNANDEZ,  
STAN MORSE, DAVID BULEY,  
STEPHEN McCARTHY and  
BARBARA LESTER,  
Defendants**

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**File No. 1:09-CV-130**

**ORDER**

The Magistrate Judge's Report and Recommendation was filed March 31, 2010. (Doc. 43.) The Plaintiff subsequently filed an "Addendum to Motion to Compel" (Doc. 44) addressing the motion to compel (Doc. 42) but he has not contested Judge Conroy's legal analysis or recommended disposition regarding the motion for injunctive relief.

After de novo review, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's motion for a preliminary injunction (Doc. 30) is DENIED as moot.

This matter is returned to Magistrate Judge John M. Conroy for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 28<sup>th</sup> day of April, 2010.

/s/ J. Garvan Murtha  
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Honorable J. Garvan Murtha  
Senior United States District Judge